G.R.S. IX—5]

Previous references. G. = 36-20-2-5-

1922-23 (G. F.)

File No. 53 - 22

Serial Nos. 1 & 2

Later references.

G 75-22 pls 18 & 27.

CS. 215-23-1 pos (compd)

Preserve
MR
3.11.23

GENERAL AND REVENUE SECRETARIAT.

P 7-E

Serial Nos. 2

Part B for ~~October 1922~~ January 1923

SUBJECT

Amendment of Mysore Security Regulation.

Ll 2 Z.

The compiler Dr. G.

No FC 3306 D/16 Jan 1923

Sanctions the insertion of Rule 2 of the Rules under the Mysore Securities Regn IX of 1894 as amended by FC 2275 D/4-10-21

G. 36-20-5-

Printed on the Multigraph.

23/1/23

G. R. S. 11] 1922.

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

File No. 53-22

FILE HEADING.

Amendment of Khyber Security Regulation

From

The Comptroller.

No. Sc 2161 Dated 23-11-22 Received 28-11-

Diary No. 504	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests sanction of part for including Magistrate under clause (i) of Rule (2) of the regulation.

NOTES AND ORDERS.

The addition of the phrase "or a Magistrate who exercises jurisdiction over the area" after line 4 of the Rule 2 (i), proposed by the Comptroller ~~may perhaps be approved~~ is for orders.

Vide Note by A

28/11 30/11

2) Please post up and put notes and a copy to Comptr-

mad 1/12

NOTES—First Sheet.

G. R. S. III-2

General and Revenue Secretariat. File No. 53 of 1922.

Serial No.

3) Draft sent
12/12

4) If they can appear before a Magistrate why shd they not go before the DO? It is not clear why they prefer to have attestation made by the former. The DO who disburses salary periodically is likely to know holders and his attestation shd be the general rule for exceptional cases provision is made in rule 7 (6) ii. If the Magistrate can also attest in all cases then the distinction on whi the present rules are based ceases to exist. Forward to the Complr for favour of further views,

20/12

5)

SL 22.12.22

H. D. No. 138 22.12.22

H.W.C. 08-922

No 12075L. 072-1.1923.

Rebly no 26705L.01 n-3.

TE—Contn. sheet.

No 26907 dt of 4/1/23

6) The reason appears to be that Treasury officers are not so easily accessible as the Magistrates who not infrequently go out on tour and are able to attest thumb impressions wherever they go. Though it is a fact that the Magistrates are not exercising their powers properly in this respect and it is desirable that it should be limited to a select class of officers it is also necessary that sufficient facilities should be afforded to the public for getting the endorsements attested readily when required. It is with this view that the proposal in the letter under reference has been made.

7) In this connection, attention is invited to this office letter No.SL.2549 dated 25-12-22 recommending that the Bench Magistrates should not be empowered to attest thumb impressions.

This has been separately sent

This may be put up with this

9.1.23

T. Satyanarayanachetty
Comptroller.

8) 6/1/23

9) Under the existing rule, Magistrates are permitted to attest the genuineness of thumb impressions of illiterate persons to endorsements and receipts relating to Government Securities only when such illiterate persons are unable, on account of bodily infirmity or of being gosha women, to appear in person before a Treasury Officer. Where they can appear, the present rules require that they should affix their thumb impressions to endorsements and receipts in the presence of the Officer in charge of the Treasury at which their notes are enfaced for payment of interest.

10) The Comptroller reports that ~~the~~ Some Magistrates have attested thumb impressions even in cases in which they are not authorised to do so strictly under the rules. He states that -

G. R. S. III-2]

General and Revenue Secretariat. | G.C. File No. 53 of 1923.

Serial No.

Magistrates in British India exercise this power and accordingly proposes that our rule may be revised to bring it into line with that in force in British India. In another communication (vide linked file) the Comptroller has suggested that the powers given to Magistrates for attesting the endorsements and receipts of illiterate persons may be limited only to Stipendiary Magistrates. The Government Advocate also considers that it is desirable to entrust the power only to Stipendiary Magistrates. The Comptroller's proposal may be approved and the draft notification put up passed.

DEWAN'S OFFICE.
Recd. on JAN 12 1923
Reg. No. 4228

(Dewan) 12.1.23

11) Approved
12.1.23

12) Issue orders
13) 13.1.23

2 To the Comptroller Mysore Gaz.
Notifn No JE 3306 d. 18/23.
Notifies the revision of rule 2 of the Rules under the Mysore Securities Regulation IX of 1894.

19.1.23

NOTE—Contn. sheet.

232.3

Please address all future communications to the Comptroller to the Govt. of H. H. the Maharaja of Mysore.
In reply to this Comn. please refer to
No. SL.2161.

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Dated, Bangalore, the 23rd Novr. *1922*.

25 NOV 1922

DIARY No. 1901

FROM

T. SATYARAJ CHETTY, ESQ., B.A.,
Comptroller to the Government of His Highness the Maharaja of Mysore.

19 — 19
Section
File No.

To

Rajakaryaprasaktha M.N.Krishna Rao, Esq., B.A.,
Secretary to the Government of Mysore.

Financial *Department.*

SIR,

I have the honour to state that according to the amendments issued under the Mysore Securities Regulations IX of 1894 in Notification No.Fl.2075/GF.~~36-20-5~~ dated 4-9-21, Magistrates are not empowered to attest thumb impressions except under Clause (ii) i.e., when the holder cannot appear on account of bodily infirmity or when the holder is a woman not accustomed to appear in public.

But in practice, a very large number of bonds is being received where Magistrates have exercised the powers vested only in District and Taluk Treasury Officers under Clause (i)(a) & (b). If the rules are to be strictly enforced, such attestations by Magistrates should not be accepted and the attestations already made have to be got cancelled and fresh ones obtained from the District or Taluk Treasury officers. To avoid the inconveniences ~~so~~ which this would cause to very large ~~No.~~ number of holders, I have accepted such attestations in bonds so far received.

In British India, under Para 52 of the Securities Manual which is reproduced below for facility of reference, Magistrates are empowered to sign endorsements on behalf of illiterate holders.

"Para 52. If the holder of a promissory note satisfies a Magistrate

that he is for any reason unable to write and that he is the person whom he represents himself to be, the Magistrate may, at the request of the holder, sign the endorsement on his behalf if he is satisfied that the holder understands the effect of the endorsement. The Magistrate must sign the endorsement in the presence of the holder and enter below his signature a certificate to the effect that the endorsement was signed at the request of the holder after being read over to him and that he is satisfied that the effect of the endorsement is fully understood by the holder."

As Magistrates have equal, if not greater opportunities ~~than~~ the Treasury Officers to enquire into the identity of holders and the genuineness of thumb impressions, I propose for the sanction of Government that Magistrates may also be included under Clause(i) which will then read as under:

0102 GPB—8,000—27-8-21

C. O 45-Rec. —]

.....Department

192 .

FROM

T. SATYARAJ CHETTY, ESQ., B.A.,

Comptroller to the Govt. of H. H. the Maharaja of Mysore.

To

.....Esq.,

Secretary to the Govt. of Mysore, Dept.

Dated

Despatched

Received

No.....

Subject matter.

An endorsement or receipt by an illiterate person must be made or acknowledged by his or her left thumb impression which must be attested in the following manner.-

(i) The holder should appear in person before the Officer in charge of the Taluk Treasury or the District Treasury at which the bond is enfaced for payment of interest or a Magistrate who exercises jurisdiction over the area at which the bond is enfaced for payment of interest.-

(a) If the holder is personally known to such officer the latter should attest the genuineness of the thumb impression as under, below the endorsement or receipt of the holder.

"The above endorsement or receipt is that of the holder who is known to me"

Signature - - - -
Designation - - - -
Station - - - - -
Date - - - -

(b) If the holder is not known personally to such officer the genuineness of the holder's thumb impression should be attested in the officer's presence by at

7

least one respectable witness and the officer should authenticate the examination of the witness in the following form below the holder's endorsement or receipt and the witness's signature.

Examined before me . . . . . .

Signature . . . . . .

Designation . . . . . .

Station . . . . .

Date . . . .

I have the honor to be,

Sir,

Your most obedient servant,

J. Lafayette Cuff

Comptroller.

U.

No F3306 of 18 Jan 23

Draft Notification.

The Government of His Highness the Maharaja are pleased to sanction the revision as follows of rule 2 under of the Rules under the Mysore Securities Regn IX of 1894 as amended by Notification No H 2075/ 73 of 4-10-21 G.736-20-5

" An endorsement or receipt by an illiterate person must be made or acknowledged by his or her left thumb impression which must be attested in the following manner:-

(i) The holder should appear in person before the officer in charge of the Taluk Treasury or the District Treasury or a Stipendiary Magistrate who exercises jurisdiction over the area at which the bond is enfaced for payment of interest and affix the thumb impression before such officer.

* at which the Bond is enfaced for payment of interest

(a) If the holder is personally known to such officer (the Dy or Magistrate latter should attest the genuineness of the thumb impression as under, below the endorsement or receipt of the holder.

" The above endorsement or receipt is that of the holder who is known to me:-

Signature.....
Designation.....
Station.....
Date.....

(b) If the holder is not known personally to such officer, Dy & or Magistrate the genuineness of the holder's thumb impression should be attested in officer's presence by at least one respectable witness and the officer should authenticate the examination of the witness in the following form below the holder's endorsement or receipt and the witness's signature.

Examined before me -

Signature.....
Designation.....
Station.....
Date.....

(ii) Where the holder cannot so appear on account of bodily infirmity or where the holder is a woman not accustomed to appear in public, the genuineness of the holder's thumb impression should be attested by the signature of at least one respectable witness who must appear before a Treasury Officer or a Stipendiary Magistrate or a Sub-Registrar. Such officer should authenticate the examination of the witness as follows below the holder's endorsement or receipt and the signature of the witness.

[illegible] of the Bond is enfaced for payment of interest

Examined before me.-

Signature.....
Designation.....
Station.....
Date.....

The Treasury Officer or a Stipendiary Magistrate or Sub-Registrar will in cases (i) (b) and (ii) above make such enquiries as may be necessary to satisfy himself of the identity of the holder. "

3344

12-1-23